

## **REMARKS**

This Amendment responds to the Office Action dated September 1, 2009, in which the Examiner rejected claims 1-2, 4-6, and 8-20 under 35 U.S.C. § 103.

As indicated above, claims 1, 5 and 11-12 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability. Claim 6, 8, 10 and 13-16 have been amended to correspond to claims 1, 5 and 11-12. The amendment is unrelated to a statutory requirement for patentability.

Claims 1 and 11 claim an input method and claims 5 and 12 claim a touch panel input apparatus. The method and apparatus include a touch panel laminated onto a display screen of a display apparatus. A sensor unit is formed so as to be expanded to an outside of one side of the display screen. An instruction, according to a touching position of a finger or touch pen onto the sensor unit, is given. A controller generates a control signal based on the instruction. A selection display is displayed when the finger or touch pad is touched to the sensor unit. A selection item is highlighted when the finger or touch pen is near the selection item as the finger or touch pen remains in contact with the sensor unit and is moved along the sensor unit. The highlighted selection item is selected upon lifting the finger or touch pen from contact with the sensor unit near the highlighted selection item. A selection display is cancelled when the finger or the touch pen remains in contact while being moved from the sensor unit to the display screen on the touch panel. A single touch and release operation of the finger or touch pen with the sensor unit executes both an operation to display the selection display and an operation to select a desired selection item in the selection display.

By having a single touch and release operation of the finger or touch pen with the sensor unit which executes both an operation to display a selection display and an operation to select a

desired selection item in the selection display, as claimed in claims 1, 5, 11 and 12, the claimed invention provides an input method and apparatus which can cancel an operation or select an operation with a single touch and release operation with the display screen. The prior art does not show, teach or suggest the invention as claimed in claims 1, 5, 11 and 12.

Claims 1-2, 4-6 and 8-20 were rejected under 35 U.S.C. § 103 as being unpatentable over *Beernink, et al.* (U.S. Patent No. 5,434,929) in view of *Dolan* (U.S. Patent No. 5,148,015) and further in view of *Dutta, et al.* (U.S. Publication No. 2002/0043204) and *Cline* (U.S. Patent No. 5,745,718).

*Beernink, et al.* appears to disclose a tap gesture involves placing a stylist 38 on a screen 52 for a short, predetermined length of time and then lifting the stylist without moving the style as a significant amount (column 7, lines 45-50). Selection is suitably performed by tapping on a desired character (column 8, lines 59-60). A character style preference area also includes a close box 94 that allows a user to quit a session of setting preferences by simply selecting, *i.e.*, “tapping” on the close box 94 (column 9, lines 15-19).

Thus, *Beernink, et al.* merely discloses selecting an item by tapping and quitting a session by tapping. Nothing in *Beernink, et al.* shows, teaches or suggests both an operation to display a selection display and an operation to select a desired selection item in the selection display are executed by a single touch and release operation of a finger or touch pen with a sensor unit as claimed in claims 1, 5, 11 and 12. Rather, in *Beernink, et al.* a selection item and a quit session each need separate tappings in order to execute the selection or the quitting.

*Dolan* appears to disclose an array of sensors 15 used to generate signals which control a display in which highlight particular menu items depending upon which sensor is activated. A user places his finger 32 over sensor 15' which has activated a photo detector and the resultant

electrical signal process to cause a meter section 25 to be highlighted. If the user moves his finger to either the sensor 15'', the bar code section 29 will become highlighted and the highlighting at the meter section 25 will disappear (column 4, lines 54-67).

Thus, *Dolan* merely discloses highlighting different selections by a user moving his finger over an array of sensors. Nothing in *Dolan* shows, teaches or suggests both an operation to display a selection display and an operation to select a desired selection item in the selection display are executed by a single touch and release operation of a finger or touch pen with a sensor unit as claimed in claims 1, 5, 11 and 12. Rather, *Dolan* only discloses highlighting different sections by moving a finger over an array of sensors 15.

*Dutta, et al.* appears to disclose display cursor/pointer 602 points to host identifier 604 for an active connection [0069]. As pointer 602 moves over host identifier 604, the application detects the screen location of the pointer and retrieves the thumbnail information associated with host identifier 604. A pop-up box 606 contains data items for the associated host. As the user moves the cursor over other host identifiers, the pop-up box will open and close with the appropriate information [0070].

Thus, *Dutta, et al.* merely discloses a cursor/pointer 602 operated via a mouse. Nothing in *Dutta, et al.* shows, teaches or suggests a touch panel input apparatus having a single touch and release operation of a finger or touch pen with a sensory unit which executes both an operation to display a selection display and an operation to select a desired selection item in the selection display as claimed in claims 1, 5 and 11-12. Rather, *Dutta, et al.* only discloses a cursor/pointer 602 operated via a mouse.

Furthermore, *Dutta, et al.* only discloses moving a cursor (via a mouse) in order to open and close pop-up boxes. Nothing in *Dutta, et al.* shows, teaches or suggests both an operation to

display a selection display and an operation to select a desired selection item in the selection display are executed by a single touch and release operation of a finger or touch pen with a sensor unit of a touch panel as claimed in claims 1, 5, 11 and 12. Rather, *Dutta, et al.* only discloses opening and closing pop-up boxes by moving a cursor (via a mouse) over identifiers.

*Cline, et al.* appears to disclose a display 38 displaying information to a user using display adapter 36 while keyboard 26, speaker 28, and pointing device 26 allow the user to direct the computer system (Col. 3, lines 13-16). Folder bar 400 is a two-dimensional widget for displaying the contents of a folder container such as DCF folder container icon 401 using multiple tabs 402, 404, 406, and others. Multiple tabs 402, 404 and 406 each represent a sub-folder container stored within DCF 401 (Col. 3, lines 27-33). There are four methods to open/manipulate a sub-folder container represented by a tab: drag, single click, double click, and CTRL + single click (Col. 3, lines 65-67). For the single click method, if the user single clicks on the tab, the desktop DT displays the contents of the drop-down menu for the tab (i.e. folder container). Clicking on a second tab closes the first drop-down menu and opens a drop-down menu for the second tab. The user may also close a drop-down menu by clicking button 436 (Col. 4, lines 27-35).

Thus, *Cline, et al.* merely discloses a keyboard 24 and pointing device 26. Nothing in *Cline, et al.* shows, teaches or suggests a touch panel input apparatus in which a touch panel is laminated onto a display screen of a display apparatus and a sensor unit is formed so as to be expanded to the outside of one side of the display screen as claimed in claims 1, 5 and 11-12. Rather, *Cline, et al.* only discloses a pointing device 26 (mouse) and keyboard 24.

Furthermore, since *Cline, et al.* has a mouse, the user must single click on the mouse to open or close a drop-down menu. Nothing in *Cline, et al.* shows, teaches or suggests both an

operation to display a selection display and an operation to select a desired selection item in the selection display are executed by a single touch and release operation of a finger or touch pen with a sensor unit of a touch panel as claimed in claims 1, 5, 11 and 12. Rather, *Cline, et al.* merely discloses single clicking on a tab using a pointing device/mouse.

A combination of *Beernick, et al.*, *Dolan, Dutta, et al.*, and *Cline, et al.* would merely suggest to tap an item in order to select it, or to tap a closed box in order to quit a session as taught by *Beernick, et al.*, to highlight selections by moving a finger over an array of sensors as taught by *Dolan*, to open and close pop-up boxes by moving a cursor via a mouse over identifiers as taught by *Dutta, et al.* and to single click on tabs to open and close drop-down menus as taught by *Cline, et al.* Thus, nothing in the combination of the references shows, teaches or suggests both an operation to display a selection display and an operation to select a desired selection item in the selection display are executed by a single touch and release operation of a finger or touch pen with a sensor unit of a touch panel as claimed in claims 1, 5, 11 and 12. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 5, 11 and 12 under 35 U.S.C. § 103.

Claims 2, 4, 6, 8-10 and 13-20 recite additional features. Applicants respectfully submit that claims 2, 4, 6, 8-10 and 13-20 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Beernink, et al.*, *Dolan, Dutta, et al.*, and *Cline, et al.* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2, 4, 6, 8-10 and 13-20 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

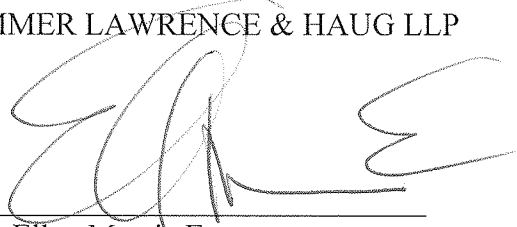
In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

Date: October 28, 2009

By: \_\_\_\_\_

  
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